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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,886	06/07/2001	Toru Kuwahara	100809-16266 (SCET 18.734	7805
26304	7590	05/04/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 05/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/876,886	Applicant(s) KUWAHARA, TORU	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10 are rejected under 35 USC 103(a) as being unpatentable over Fredregill et al. (patent number 5,923,016, hereinafter referred to as "Fredregill"), in view of Storey (patent number 5,74,870).**

Fredregill teaches a computer implemented consumer transaction point accumulation system means (see at least abstract; Fig. 1 (10, 12, 30, 40); col. 2, lines 18-57). Fredregill further teaches:

- First storage means for storing product information and selling price:
master item file (see at least Fig. 2b (114); col. 4, lines 25-35; col. 11, lines 1-10).
- Second storage means for storing specific parameters concerning economic return: item weight, minimum purchase (see at least Fig. 1 (10, 40); col. 2, lines 18-38; col. 4, lines 35).
- Third storage means for storing general parameter concerning economic return: minimum purchase (see at least Fig. 1 (10, 40); col. 2, lines 18-38; col. 4, lines 49; Table 1 (Minimum purchase)).
- Means for receiving a request for displaying information on item: POS
(see at least Fig. 1 (12); col. 4, lines 25-27).
- Means for referring to first storage, second, and third storage means: any item (e.g. fruits, vegetables, meat) (see at least col. 4, lines 34-35);
specific items (e.g. specific brand of washing powder) (see at least col. 4, line 28).
- Point generating means: (see at least col. 4, lines 15-20).
- Calculation means for first points: calculates regular points (see at least col. 4, lines 15-20).
- Calculation means for second points: calculates bonus points (see at least col. 4, lines 15-20).
- Calculation means base on eligible items: exempt items (e.g. tobacco, alcohol) (see at least col. 4, lines 45-46).

Art Unit: 3625

- Consumer identification and total points: (see at least col. 3, line 49 through col. 4, line 12).
- Second storage means for storing periods applied to specific items:

Fredregill teaches all the above as noted under the 103(a) rejection and teaches creating incentives to purchase more items, but does not disclose time periods. Storey teaches awarding points to a consumer based on shopping frequency, and further teaches placing award requirements based on reaching certain levels within a given period or reducing award points during a special program period (see at least col. 4, lines 11-25; col. 5, lines 52-63). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system means of Fredregill to include time periods as taught by Storey, in order to created additional purchasing incentive.

Pertaining to Claims 7-10

Method and computer readable storing medium or program code are rejected based on the same rationale as noted above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

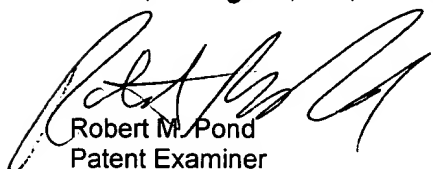
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or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.


Robert M. Pond
Patent Examiner
May 1, 2004